

The Gazette of India



EXTRAORDINARY

PART II—Section 3

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CENTRAL BOARD OF REVENUE

NOTIFICATION

ESTATE DUTY

New Delhi, the 13th February 1954

S.R.O. 556.—In exercise of the powers conferred by sub-section (1) of section 85 of the Estate Duty Act, 1953 (XXXIV of 1953), the Central Board of Revenue hereby makes the following rules, the same having been previously published as required by sub-section (1) of section 85 of the said Act.

1. **Short title and commencement.**—(1) These rules may be called the Estate Duty Rules, 1953.

(2) They shall be deemed to have come into force on the 15th October, 1953.

PART I—PRELIMINARY

2. **Definitions.**—In these Rules unless the context otherwise requires—

- (a) "the Act" means the Estate Duty Act, 1953 (XXXIV of 1953).
- (b) "accountable person" means any person accountable for the delivery of an account or payment of duty under the provisions of the Act,
- (c) "duty" means estate duty leviable under the Act;
- (d) "Income-tax Act" means the Indian Income-tax Act, 1922 (XI of 1922);
- (e) "India" means the territories of India excluding the State of Jammu and Kashmir.

PART II—TRANSFER OF CASES AND PROCEDURE ON TRANSFER

[Section 4(2)]

3. Where an Assistant Controller, who is an Income-tax Officer of Class II Service, or an Assistant Controller, who is an Income-tax Officer of Class I Service, or a Deputy Controller, as the case may be, finds that the principal value of the estate in any case pending before him exceeds or is likely to exceed the pecuniary limits of his jurisdiction, he shall,—

- (a) in the case of an Income-tax Officer of Class II Service, transfer the case to such Assistant Controller (being an Income-tax Officer of Class I Service) as the Controller may, by general or special order, designate in this behalf;
- (b) in the case of an Assistant Controller who is an Income-tax Officer of Class I Service, to the Deputy Controller having jurisdiction over the estate; and
- (c) in the case of a Deputy Controller, to the Controller having jurisdiction over the estate.

4. (a) The Controller, the Deputy Controller or the Assistant Controller, to whom the case of an estate has been transferred under rule 3, may continue the proceeding so transferred to him from the stage at which it stood immediately before the transfer or recommence the proceeding:

Provided that before recommencing any proceeding the accountable person shall be given a reasonable opportunity of being heard.

(b) The jurisdiction of any authority to whom the case of an estate has been transferred under rule 3 shall not be called in question merely on the ground that the principal value of the estate as determined by that authority is less than the value specified for the purpose of his jurisdiction.

5. Notwithstanding that an Assistant Controller, a Deputy Controller or a Controller is not exercising the functions of the Income-tax Officer, the Inspecting Assistant Commissioner or the Commissioner, as the case may be, in respect of the assessment under the Income-tax Act of a deceased person, he shall exercise the functions of the Controller in respect of the estate of the deceased if the case relating to the estate is specifically assigned to him under the second proviso to sub-section (2) of section 4 of the Act.

6. (1) Notwithstanding anything contained in rule 3 or in any other rule, the Board may at any stage of the proceeding relating to the case of any estate transfer it from one assessing authority to another and thereupon the provisions of rule 4 shall, so far as may be, apply.

(2) Whenever a Controller, a Deputy Controller or an Assistant Controller ceases to exercise jurisdiction in respect of any proceeding under the Act and is succeeded by another who has or exercises such jurisdiction, the Controller, Deputy Controller or Assistant Controller so succeeding may continue the proceeding from the stage at which it was left by his predecessor:

Provided that the person accountable may, when the succeeding Controller commences to exercise jurisdiction, demand that the previous proceeding or any part thereof taken before his predecessor be recommenced or that before any order imposing the duty is passed, he be re-heard.

PART III—DETERMINATION OF NATURE AND LOCALITY OF ASSETS

[Section 21(2)]

7. **Determination of nature of property.**—The nature of assets which for the purpose of duty form or are deemed to form part of the property passing on death shall be determined in accordance with the following clauses, namely:—

(a) Immovable property includes land, water covering the land, buildings, rights to ways, lights, ferries or fisheries or any other benefit to arise out of land (other than the forms of benefit for which specific provision is made in these rules) and things attached to the earth or permanently fastened to anything which is attached to the earth, but does not include standing timber, growing crops and grass.

Explanation.—Attached to the earth means—

- (i) rooted in the earth, as in the case of trees and shrubs;
- (ii) imbedded in the earth, as in the case of walls or buildings; or
- (iii) attached to what is so imbedded for the permanent beneficial enjoyment of that to which it is attached.

(b) The interest of a mortgagee in immovable property other than a mortgagee who is entitled to possession of the property under the terms of the mortgage and is actually in possession of the property, is movable property.

(c) The share of a partner in a partnership shall be treated as an indivisible asset for the purpose of determination of its nature and locality. The share of a partner in a partnership is movable property, notwithstanding that the firm owns immovable property.

(d) The interest of a member in the joint family property of a Hindu family governed by the Mitakshara, Marumakkattayam or Aliyasana law, which ceases on his death is movable property notwithstanding that the family owns immovable property.

(e) The share or other interest of any member in a company is movable property, notwithstanding that the company owns immovable property.

(f) A debt or periodical payment secured by a charge on immovable property is movable property.

(g) The interest of a beneficiary in an undivided estate is movable property

(h) Movable property shall mean property of every description except property which is immovable

8 Location of movable property.—The locality of movable assets which for the purpose of duty form or are deemed to form part of the property passing on death shall be determined in accordance with the following clauses, namely:—

(a) Rights or interests (otherwise than by way of security) in or over immovable property shall be deemed to be situated at the place where such property is situated

(b) Rights or interests (otherwise than by way of security) in or over tangible movable property, other than such property for which specific provision is made herein and in or over bank or currency notes, other forms of currency recognised as legal tender in the place of issue, negotiable bills of exchange and negotiable promissory notes, shall be deemed to be situated at the place where such property, notes, currency or documents are situated at the time of death, or, if in transit, at the place of destination

(c) Debts, secured or unsecured and whether under seal or not, excluding the forms of indebtedness for which specific provision is made in this rule, shall be deemed to be situated at the place where the debtor was residing at the time of death, provided that if the interest on such debt was chargeable to income-tax under the Income-tax Act, it shall be deemed to be situated in India.

(d) Bank accounts shall be deemed to be situated at the branch at which the account was kept

(e) Securities issued by any government, municipality or local authority shall be deemed, if in bearer form, to be situated at the place where they are situated at the time of death and, if inscribed or registered, to be situated at the place of inscription or registration.

(f) Shares, stock, debentures or debenture stock in a company (including any such property held by a nominee, whether the beneficial ownership is evidenced by scrip certificates or otherwise) shall be deemed to be situated at the place where the company was incorporated

(g) Monies payable under a policy of assurance or insurance, whether under seal or not, shall be deemed to be situated at the place where the policy provides that the monies shall be payable or in the absence of any such provision, at head office of the company.

(h) Shares in a partnership shall be deemed to be situated at the place where the business is principally carried on

(i) Ships and aircraft and shares thereof shall be deemed to be situated at the place of registration of the ship or aircraft.

(j) Goodwill as a trade, business or professional asset shall be deemed to be situated at the place where the trade, business or profession to which it pertains is carried on.

(k) Patents, trade marks and designs shall be deemed to be situated at the place where they are registered.

(l) Copyright, franchises, and rights or licences to use any copyrighted material, patent, trade mark or design shall be deemed to be situated at the place where the rights arising therefrom are exercisable

(m) Rights or causes of action *ex-delicto* surviving for the benefit of an estate of a deceased person shall be deemed to be situated at the place where such rights or causes of action arose.

9 Location of immovable property.—The locality of immovable assets which for the purpose of estate duty form or are deemed to form part of the property passing on death shall be determined in accordance with the following clauses, namely:—

(a) Tangible immovable property shall be deemed to be situated in India, if the property actually lies in India

(b) Rights or interests in immovable property or benefits to arise out of immovable property, which are immovable property within the meaning of these rules, are situated in India, if the property to which the rights are attached or out of which the benefits arise actually lies in India

PART IV—PURCHASE OF ANNUITIES FROM RELATIVES

(Section 27)

10. Purchase of annuities from relatives.—(1) Subject to the provisions of this rule, the relief specified hereunder shall be granted where any estate duty becomes, or would but for this rule become, payable by virtue of section 27 of the Act.

(2) The sum on which duty would be payable apart from this rule on the death in respect of the property which was the subject matter of the disposition or in respect of the property liable to a debt or encumbrance created by the deceased which was the subject matter of the disposition, as the case may be, shall first be computed and, subject to the limitations provided for by sub-rule (3) of this rule, there shall then be allowed as a deduction from that sum—

- (a) the amount, if any, by which the aggregate of the payments which have been made on account of the annuity or other interest for the period from the date when the annuity or other interest began to accrue in favour of the deceased until his death, exceeds the aggregate of the income derived from the deceased by virtue of the disposition for the period from the date of the disposition until his death; and
- (b) simple interest on so much, if any, of the amount aforesaid, and for such period, as, in the opinion of the Controller, is in all the circumstances just, at the rates from time to time payable during that period on duty in arrear.

The expression "the aggregate of the income derived from the deceased by virtue of the disposition" means—

- (i) in relation to so much of the property which was the subject matter of the disposition as did not consist of a debt or encumbrance created by the deceased, such amount as, in the opinion of the Controller, is in all the circumstances equal to a reasonable return from the property; and
- (ii) in relation to so much of the property which was the subject matter of the disposition as did consist of a debt or encumbrance created by the deceased, the aggregate amount of the interest paid or payable by the deceased in respect of that debt or encumbrance.

(3) The amount to be allowed as a deduction under sub-rule (2) shall, in the circumstances mentioned hereunder, be limited to the extent specified in this sub-rule. Further, the provisions of sub-section (1) of section 46 of the Act shall, in the manner specified in this sub-rule, have effect in relation to the computation of the amount allowed—

(a) Where, if—

- (i) the annuity payments had formed the consideration for a debt created by the deceased equal to the total amount of those payments; and
- (ii) section 44 of the Act (which provides for an allowance for debts in computing the amount on which the duty is payable), were applied to that debt,

the full amount of that debt would not, having regard to the operation of sub-section (1) of section 46 of the Act, have been allowable under section 44 of the Act, the annuity payments shall, for the purpose of ascertaining the amount allowed, be reduced, so as not to exceed the amount, if any, which would have been allowable in the circumstances aforesaid under section 44 of the Act:

Provided that, in applying the said section 46 for the purposes of this rule, property which is the subject matter of the disposition shall not be treated as property derived from the deceased.

(b) Where under section 27 of the Act, a deduction for partial consideration would have been allowable in respect of the annuity or other interest, if sub-section (2) of that section had not applied to the disposition and if any other consideration for the disposition had not been given, the amount allowed shall not exceed the amount of that deduction.

(c) Where the amount allowed is allowed as deduction from the value of property liable to a debt or encumbrance created by the deceased, it shall not exceed the amount, if any, which would be allowed under section 44 if section 27 had not been enacted.

(d) In this rule, the expression "the annuity payments" means the payments specified in clause (a) of sub-rule (2) and the expression "the amount allowed" means the amount to be allowed as a deduction under this rule.

PART V—OBJECTS OF NATIONAL, SCIENTIFIC AND HISTORIC INTEREST OR OTHER DRAWINGS, PAINTINGS, ETC. RETAINED IN THE FAMILY

[Section 33(1) (i) and (j)]

11. Conditions for exemption.—(1) Objects of national, scientific or historic interest or other drawings, paintings, or things specified in clauses (i) and (j) of sub-section (1) of section 33 of the Act which are retained in the family of the deceased shall be exempt from the duty on an undertaking being given by such person as the Board may think appropriate in the circumstances of the case that, until the objects again pass on a death or are sold—

- (a) the objects will be kept permanently in India and will not leave it temporarily except for a purpose and a period approved by the Board; and
- (b) reasonable steps will be taken for the preservation of the objects,
- (c) reasonable facilities for examining the objects for the purpose of seeing the steps taken for their preservation, or for purposes of research or report will be allowed to officers of the National Museum, National Art Gallery, Department of Archaeology and the National Archives or to any person authorised by the Board so to examine them, and
- (d) the objects will be dealt with or disposed of in accordance with the directions of the Central Government.

(2) In the event of the sale of any objects to which this rule applies, duty shall, subject to as hereinafter provided, become payable on the proceeds of sale in respect of the last death on which the objects passed at the rate appropriate to the principal value of the estate passing on that death and the persons by whom or for whose benefits the objects, were sold shall be accountable for the duty and shall deliver an account for the purpose thereof within one month after the sale:

Provided that the duty shall not become payable as aforesaid if the sale is to Government or to any University or other public institution in India.

12. Exceptions to undertaking.—If on a claim for exemption under clause (i) and (j) of sub-section (1) of section 33 of the Act it is made to appear to the Board that any documents for which the exemption is claimed contain information which for personal or other reasons ought to be treated as confidential, the Board may exclude those documents either altogether or to such extent as it thinks fit from any undertaking under sub-rule (1) of rule 11 so far as the undertaking relates to the examination of the documents for purposes of research.

13. Effect of default in complying with the undertaking.—(1) Where any objects are exempted from duty in pursuance of an undertaking under sub-rule (1) of rule 11 and the Board is satisfied that at any time during the period for which the undertaking was given it has not been observed in a material respect, then duty shall become payable on the value at that time of those objects in respect of the death on which the exemption was given and at the rate appropriate to the principal value of the estate passing on that death upon which duty would have been payable if they had not been objects to which clauses (i) and (j) of sub-section (1) of section 33 apply; and any person who, if the objects were sold when the duty becomes payable, would be entitled to receive (whether for his own benefit or not) the proceeds of sale or any income arising therefrom shall be accountable for the duty.

(2) Where any objects are sold after they become liable to duty under sub-rule (1) in respect of any death, the proceeds of the sale shall not be liable to duty in respect of the same death under sub-rule (2) of rule 11.

PART VI—VALUATION AND INSPECTION OF PROPERTY

(Section 41)

14. Valuation.—(1) The Controller may accept the valuation, as shown in the account delivered by the accountable person or may, if he is not satisfied with the valuation shown therein, either himself place a valuation thereon on his own estimate or appoint a person to appraise such properties and to set the valuation thereon. The cost of any such professional assistance shall be defrayed by the Government.

(2) The price or value at which a testator may have given by his will to a particular person the option to acquire a property will not be considered as a test of its market value.

(3) When a property has actually been sold within a short time after the death of the deceased under open market conditions, the gross sum realised shall be taken as the principal value and no deduction shall be made for the expenses of the sale.

(4) If the property is part of an unadministered estate or a share of property subject to a trust already in operation which involves conversion or if the property consists of certified chattels of national, historic or scientific interest, a reasonable deduction for cost of sale may be allowed by the Controller in determining the value thereof.

(5) If the property consists of land containing minerals a separate value should be placed on the latter on the basis of a certificate by a qualified Mining Engineer.

(6) In the case of any agricultural land the principal value shall not ordinarily exceed twenty times of the annual value as assessed for the purpose of land revenue.

(7) In arriving at the market value of interests in expectancy, the following conditions shall be taken into account namely:—

(a) The age and state of health of the life tenant, the contingencies affecting the duration and extent of his interests and the possible cost of covering his interest by insurance.

(b) The duty and costs of realization and distribution payable when the interests fall into possession.

(c) The character of the assets, and the possibilities of their appreciation or depreciation in value.

(d) The rate of interest, and officially recognised tables of mortality.

(8) Value of the dutiable property abroad should be calculated at the rate of exchange on the date of death.

15. Inspection.—(1) The Controller may by written order signed by him authorise any person to enter upon or inspect any property for the purpose of the Act.

(2) The person or persons having the custody or possession of the property shall permit the person so authorised to enter upon and inspect it on any day excluding Sundays and holidays under the Negotiable Instruments Act, 1881, at any time between 6 A.M. and 6 P.M.

PART VII—ALLOWANCE FOR DUTY PAID IN A NON-RECIPROCATING COUNTRY

(Section 49)

16. Amount of allowance.—Where any property liable to duty in India under the Act has been subjected to estate duty in any other country with which no arrangement has been made for avoidance or relief of double taxation with respect to estate duty, the amount to be allowed by the Controller under section 49 of the Act as a deduction from the value of the property shall be—

(a) the full amount of duty paid in the other country if the law in the other country relating to the determination of the *situs* of the property concerned for the purpose of imposition of the duty is the same as in India.

(b) Such amount as the Board may direct, in other cases.

PART VIII—PAYMENT OF DUTY

(Section 51)

17. Calculation and adjustment of duty.—Duty shall, in the first instance, be calculated at the proper rate according to the principal value of the estate as set forth in the account delivered under section 53 or clause (a) of section 57 or prepared under sub-section (2) of section 61 of the Act but if, afterwards it is found that for any reason too little duty has been paid, the additional duty shall be payable and be treated as duty in arrear subject to the conditions specified in sub-section (2) of section 62 of the Act.

18. Method of payment.—(1) Payment of duty or deposits may be made—

- (a) by delivery of a cheque on a scheduled bank at the office of the Controller;
 - (b) by delivery of a bank draft issued by a scheduled bank at the office of the Controller;
 - (c) by depositing the amount of the duty to the credit of the Central Government at any Government treasury or sub-treasury, or at any branch of the Reserve Bank of India, or at any branch of the Imperial Bank of India or at any of its agencies conducting Government treasury business or at any other bank authorised by the Central Government in this behalf.
 - (d) where an amount is deposited under clause (c) above it shall be accompanied by the appropriate treasury challan, the receipted portion of which will be returned to the person making the payment.
- (2) The cheques and bank drafts shall be drawn in favour of the Reserve Bank of India and shall be crossed.
- (3) Where a cheque has been delivered to the Controller the duty shall not, notwithstanding any receipt given therefor, be deemed to have been paid until the amount for which the cheque is drawn has been collected.
- (4) Receipts for payment of duty shall be issued only by such persons as the Controller may authorise.

19. Payment on account or of deposit in respect of duty.—(1) A sum may be paid on account of duty in the manner provided in the preceding rule, the cheque or the bank draft being accompanied by a letter stating the name and date of death of the deceased person and if known, the official reference No. of his estate;

(2) Any person desirous of depositing money for the purpose of paying duty that may become payable on his death shall furnish to the Controller a statement of the net assets existing on the date of making the deposit and the principal value thereof, on the basis of which the amount of duty has been calculated.

PART IX—DELIVERY AND PREPARATION OF ACCOUNTS

(Sections 53, 57, 61 and 72)

20. Form of account.—(1) The account required to be delivered under sub-section (3) of Section 53 of the Act shall be in Form ED 1 appended to these rules, and the supplementary account mentioned in sub-section (4) of the said section shall be in the same form duly adapted to suit the requirements of the items included therein.

(2) The account to be annexed to the affidavit of valuation mentioned in clause (a) of section 57 of the Act shall also be in Form E.D. 1.

(3) The account mentioned in sub-section (2) of section 61 of the Act shall be in Form E.D. 1.

(4) All such accounts shall show the principal value of each item of property comprised in the estate, together with the basis of valuation. Such valuation may be ascertained by the accountable person either by estimating it himself or if ascertained with professional assistance, the certificate of the qualified valuer shall be appended.

(5) The Controller may at his discretion accept the Form of account substantially similar to the prescribed Form.

(6) Where a grant of representation is not required and an exemption from duty is claimed by reason of the smallness of the estate, the account may be delivered in Form E.D. 5.

21. Beneficiaries to account.—Where the property of the deceased liable to duty has been distributed, each of the persons to whom the property has been distributed shall furnish a full and complete account of all the property received by him from the deceased.

22. Copy of the will to accompany account.—The accountable person shall furnish with the original account to be delivered under sub-rule (1) or (2) of rule 20 a certified copy of the will, if any, of the deceased and of codicils thereto.

23. Account to be in duplicate.—An account required to be delivered under any of the foregoing rules shall be in duplicate.

24. Production of books of account and documents.—The accountable person shall produce or cause to be produced at the office of the Controller having jurisdiction over the estate of the deceased, any book of account or document which may by a notice in writing be required by the Controller in connection with an account delivered under the provisions of the Act or these rules or for the purposes of assessment of the duty.

25. (1) Account when deemed to be duly delivered.—An account shall be deemed to have been duly delivered to the Controller when—

(a) the prescribed Form signed by the accountable person and containing a full, true and complete statement of all matters and things required to be stated therein by the Act, these rules, the Controller and the form itself, and

(b) all documents and copies of which, by the Act, these rules, or the Controller are required to be furnished with the account,

have been received by the Controller or by an officer authorised by the Controller to receive them, and not otherwise.

(2) It shall be sufficient if the account required to be delivered in pursuance of the provisions of section 53 by a person accountable for duty or a copy of the affidavit with the account required to be delivered by an executor under section 57, is delivered by him to the Assistant Controller, the Deputy Controller or the Controller as the case may be, who has jurisdiction in respect of the estate concerned.

(3) A company or person under an obligation to give information to the Controller under sub-section (1) of section 18, or a company required to furnish particulars to the Controller under sub-section (1) of section 84 shall be deemed to have complied with the provisions of sub-section (1) of section 18 or of the said sub-section (1) of section 84, as the case may be, if the information or particulars are furnished to the Assistant Controller or Deputy Controller who is exercising the functions of the Income-tax Officer in the case of the company.

PART X—MISCELLANEOUS

Forms Generally

(Section 72)

26. Forms.—An application for a certificate under sub-section (5) of section 67 under sub-section (5) of section 67 of the Act shall be in Form E.D. 2.

(2) A certificate under section 60 of the Act shall be in Form E.D. 3.

(3) A certificate under sub-sections (1), (2) and (3) of section 67 and under sections 68 and 69 of the Act shall be in Form E.D. 4.

(4) A discharge certificate where no duty is payable shall be in Form E.D. 6.

Recovery of Duty

(Section 73)

27. Duty to be recovered under certificate.—(1) For the purpose of recovery of duty under section 73 of the Act, the Controller shall issue a certificate in writing to the effect that—

(a) the person named in the certificate is the executor or other person accountable or liable under the Act to pay the duty;

(b) the amount of duty stated in the certificate includes duty payable in respect of the property mentioned in the certificate;

(c) notice of the duty payable was duly served on the person named in the certificate;

(d) the sum named in the certificate was, at the date of the certificate, due to the Government of India in respect of duty.

(2) In this rule the expression "duty" includes any interest or penalty payable under the Act.

Particulars to be Furnished by a Company Regarding a Deceased Member

(Section 84)

28. Particulars to be furnished by a foreign company.—For the purposes of section 84 of the Act, a company to which that section applies shall furnish to the Controller a statement showing the following particulars:—

- (1) Name of the deceased member.
- (2) Last known address.
- (3) Date of death.
- (4) Date of lodgment or notification of probate or letters of administration or of notice of death.
- (5) Description of the shares and/or stocks held in the company by the member at the time of his death.
- (6) No. of such shares and/or stocks with distinctive No.(s) of stock or share certificates.
- (7) Nominal value of the shares and stocks.
- (8) Market value per share or stock at date of death.
- (9) Basis of valuation.
- (10) Total value of holding.
- (11) Names and addresses of trustees, administrators or any other legal representatives.

29. Particulars to be furnished by an Indian company.—Where a company formed and registered under the Indian Companies Act, 1913 (VII of 1913) has come to know through any of its principal officers, of the death of any of its members, it shall within one month of the receipt of such knowledge, furnish the following particulars to the Assistant Controller or the Deputy Controller, who is exercising the functions of the Income-tax Officer in the case of the company:—

A. Where any transfer of a part or whole of the stocks and shares standing in the name of the deceased has been registered by the company because it was satisfied that the transferee had acquired such shares for valuable consideration:—

- (i) name and address of the deceased member in whose name the shares stood;
- (ii) name and address of the transferee;
- (iii) description of the shares transferred (with distinctive numbers);
- (iv) nominal value of the shares transferred;
- (v) amount of consideration paid by the transferee;
- (vi) name and address of the transferor to whom or of the broker through whom, the consideration was paid;
- (vii) description of any other shares still standing in the name of the deceased on the date of furnishing the particulars.

B. Where no transfer of any shares standing in the name of the deceased has been registered on the date of furnishing the particulars:—

- (i) name and address of the deceased member;
- (ii) description (with distinctive numbers) of stocks and shares standing in the name of the deceased;
- (iii) nominal value of the stocks and shares held;
- (iv) estimated market value thereof on the date of the death of the deceased;
- (v) name and address of the trustee, administrator or other legal representative of the deceased;
- (vi) whether any application has been received from any person for the transfer of such shares;
- (vii) if so, name and address of the person who has applied for transfer.

FORMS

ED-1

ESTATE DUTY

(See rule 20)

GOVERNMENT OF INDIA

In the Office of the Controller of Estate Duty, Range/Circle.....

NOTE.—Form IE issued herewith contains the notes to which reference is made in this Form by numbers or letters enclosed in brackets.

In the estate of deceased.

I/we (1)..... make oath/affirm and declare as follows:—

1. I am/we are the person/persons liable under the Estate Duty Act, 1953, to deliver an account of the estate of the above-mentioned deceased and to pay the duty thereon under the said Act.

2. That the deceased died on the day of 19 at and was aged years. He/She was at the time of death domiciled in (2).....

3. The First Part of the Account No. 1, hereto annexed, is a true account of the particulars and value, as at the date of the deceased's death, so far as I/we have been able to ascertain the same, of all the movable property of the deceased, whether in possession or reversion, within the States of India, exclusive of what the deceased may have been possessed of or entitled to as a trustee and not beneficially, but including any such movable property over which the deceased had and exercised by will a general power of appointment.

The gross value thereof, as at the date of the deceased's death, was Rs..... as per Account No. 1 (First Part).

4. The Second Part of the Account No. 1, hereto annexed, is a true account of the particulars and value, as at the date of the deceased's death, so far as I/we have been able to ascertain the same, of all the immovable property except agricultural land, situate in the States of India, to which the deceased was entitled for an interest not ceasing on his/her death, including any immovable property except agricultural land over which the deceased exercised by will a general power of appointment, but exclusive of property which the deceased may have been possessed of or entitled to as a trustee and not beneficially.

The gross value thereof, as at the date of the deceased's death, was Rs..... as per Account No. 1 (Second Part).

5. The Third Part of the Account No. 1 hereto annexed, is a true account of the particulars and value as at the date of the deceased's death, so far as I/we have been able to ascertain the same, of all agricultural land situate in the States of India, to which the deceased was entitled for an interest not ceasing on his/her death including any agricultural land over which the deceased exercised by will a general power of appointment but exclusive of agricultural land which the deceased may have been possessed of or entitled to as a trustee and not beneficially.

6. The Fourth Part of the Account No. 1 hereto annexed is a true account of the particulars and value as at the date of the deceased's death, so far as I/we have been able to ascertain the same, of cesser of interest in joint property of a Hindu family governed by the Mitakshara, Marumakkattayam or Aliyasantana Law situate in the States of India.

7. The Account No. 2(2) hereto annexed, is a true account of the particulars and gross value, as at the date of the deceased's death, so far as I/we have been able to ascertain the same, of all the movable property of the deceased, whether in possession or reversion, situate out of the States of India, exclusive of what the deceased may have been possessed of or entitled to as a trustee and not beneficially, but including any such movable property over which the deceased had and exercised by will a general power of appointment.

8. There was (4) other movable property of which the deceased was at the time of his/her death competent to dispose within the meaning of sub-section (1) of section 3 of the Act. The particulars and value thereof, as at the date of the deceased's death, so far as I/we have been able to ascertain the same, are truly set forth in the Account No. 3(a) hereto annexed.

9. The deceased had (5) general power to charge money on immovable property. The particulars of such power are set forth in the Account No. 3(b) hereto annexed.

10. (6)^y I/We have not been able to ascertain the precise amount or value of the movable property referred to in Exhibit. annexed to Account Nos. 1, 2, 3(a) and 3(b), although I/we have made the fullest possible enquires, but so far as the amount and value can now be estimated, they are stated in Account No. (s) by reference to the said Exhibit, which contains all the particulars of such property known to me/us. I/we undertake, as soon as the amount and value are fully ascertained, to bring in a full account thereof and to pay both the additional duty (if any) payable thereon for which I/we am/are or may be liable, and any further duty, payable by reason thereof, for which I/we am/are or may be liable on the other property mentioned in this declaration.

11. The First Part of the Schedule No. 1, hereto annexed, contains a true and particular list of the debts due and owing from the deceased at the time of his/her death to persons resident within the States of India, or due to persons resident out of the said States, but contracted to be paid in any such State or charged on property situate within any such State with the names and addresses of the several persons to whom the same are respectively due, and the descriptions and amounts of such debts

The Second Part of the said Schedule contains a true and particular statement of the allowances under section 44, on account of debts by way of dower, payable out of the estate of the deceased

The Third Part of the same Schedule contains a true account of the funeral expenses of the deceased,

12. Schedule No. 2(3) hereto annexed contained a true and particular list of the debts due and owing from the deceased at the time of his/her death to persons resident out of the State of India (other than debts contracted to be paid in any such States, or charged on property situate within any such States, which have been entered in the Schedule No. 1) with the names and addresses of the several persons to whom the same are respectively due, and the descriptions and the amount of such debts. The Schedule No. 2 contains also a true statement of the amount of any duty payable in any foreign country by reason of the deceased's death in respect of property situate in that foreign country, and included in the Account No. 2.

13. The said debts in the said Schedules Nos. 1 and 2 are payable by law out of property comprised in the said Accounts Nos. 1 and 2 respectively. They were incurred by the deceased *bona fide* for full consideration (7) in money or money's worth wholly for the deceased's own use and benefit. They are not, nor are any of them, debts which are primarily payable out of any immovable property (8) or debts in respect whereof there is a right to reimbursement from any other property or person (9).

14. The Schedule No. 3 hereto annexed, contains a true and particular list of the debts and encumbrances which were subsisting charges at the deceased's death on the immovable property except agricultural land comprised in the said Account No. 1 or on some part or parts thereof, with the particulars of the instruments by which the debts and encumbrances were secured or created, and the names and addresses of the several persons to or in whom the said debts and encumbrances are now due or vested.

The said debts and encumbrances were incurred or created by the deceased, or by some one or more of his/her predecessors in title. In so far as they were incurred by the deceased, or were created by a disposition made by him/her, they were incurred or created *bona fide* for full consideration in money or money's worth, wholly for the deceased's own use and benefit, and they take effect out of his/her interest. The said debts and encumbrances are not, nor are any of them, primarily chargeable upon any other property, and they are not debts or encumbrances in respect whereof there is a right to reimbursement from any other property or person (9).

15. Schedule No. 4 hereto annexed contains a true and particular list of the debts and encumbrances which were subsisting charges at the deceased's death on the agricultural land comprised in the said Account No. 1 or on some part or parts thereof, with the particulars of the instruments by which debts and encumbrances were secured or created and the names and addresses of the several persons to or in whom the said debts and encumbrances are now due or vested.

The said debts and encumbrances were incurred or created by the deceased, or by some one or more of his/her predecessor in title. In so far as they were incurred by the deceased or were created by a disposition made by him/her they

were incurred or created *bona fide* for full consideration in money or money's worth, wholly for the deceased's own use and benefit, and they take effect out of his/her interest. The said debts and encumbrances are not, nor are any of them, primarily chargeable upon any other property and they are not debts or encumbrances in respect whereof there is a right to re-inbursement from any other property or person.

16. That the deceased made no gifts in contemplation of death, (10) save those described and valued in Exhibit..... which have been entered in Account No.....

17. That the deceased made no disposition of property within two years of his/her death purporting to operate as an immediate gift *inter vivos* whether by way of transfer, delivery, declaration of trust, settlement upon persons in succession, or otherwise, save (10) those described and valued in Exhibit..... which have been entered in Account(s) No.(s).....

18. That the deceased made no disposition of property at any time in respect of which the donee did not assume *bona fide* possession to the immediate and entire exclusion of the donor, or where a benefit was reserved or secured to the deceased by contract or otherwise save those described and valued in Exhibit.... which have been entered in Account(s) No.(s).....

19. That there is no other property falling under the following descriptions (10) save those described and valued in Exhibit..... which have been entered in the appropriate accounts as indicated in Exhibit.....

(a) Property in which the deceased or some other person had an interest which ceased on the death of the deceased.

(b) Property which the deceased had enjoyment of or interest in for life, or for some, period determinable by reference to his/her death, under an expressed or implied trust in a settlement made by himself/herself.

(c) Property which the deceased caused to be vested in himself/herself and some other person jointly either by disposition, or purchase, so that the other person takes by survivorship.

(d) The deceased's severable share of property of which he/she was a joint tenant or joint owner with another or others.

(e) Policies which the deceased affected on his/her life, and kept up wholly or partly for the benefit of a donee, whether nominee or assignee.

(f) Annuities or other interests which the deceased either alone or by arrangement with any person purchased or provided, including annuities purchased or provided wholly or partially by some person who was at any time entitled to any property derived from the deceased.

(g) Gifts by way of creation of a burden or release of a right.

20. That to the best of my/our knowledge and belief there is no other property under any title whatsoever in respect of which duty is chargeable on the death of the deceased.

I/We(11) swear/affirm that the statements in paragraphs..... are true, and that the statements in paragraphs..... are made upon information received by me/us and solemnly and sincerely believed to be true.

Signed.....

Signed.....

Declared on oath on affirmation

before me this day of 19....

at (place) by the above named

who is/are personally known to me.

identified by

*Signed.....

Designation.....

*This may be sworn or affirmed before any Magistrate, or other Court, or before a person having by law authority to receive evidence. The designation of the Magistrate, Court or person should be added below the signature.

Movable Property situate in the States of India

Uncashed dividends and interest, dividends declared, and interest accrued due, in respect of the above investments, to date of death, as per statement annexed (B).

Gross principal value
at the date of death..

Rs.

Money in hand or house

Money in Bank (C) { (1) On current account, including accrued interest.
 (2) On deposit, including accrued interest } as per statement annexed.

Money at the Post Office or other Savings Bank ; Building of Co-operative Society, etc., as per statement annexed.

Money out on mortgage, and interest thereon to date of death, as per statement annexed.

Money out on bonds, bills, promissory notes and other securities, and interest thereon to date of death, as per statement annexed.

Book debts, as per statement annexed.

Other debts, as per statement annexed.

Unpaid purchase money of movable and lease hold property contracted in life-time of the deceased to be sold, as per statement annexed.

Deceased's interests in proceeds of sale of immovable property subject to a trust for sale, whether actually sold or not, as per statement annexed (D).

Property over which the deceased had and exercised by will a general power of appointment as per statement annexed (D).

Property over which the deceased had, but did not exercise, a general power of appointment, and which, by default of exercise of the power of appointment, belonged to the deceased absolutely, as per statement annexed (D).

Policies of insurance and bonuses (if any) thereon, on the life of the deceased, as per statement annexed.

Household goods, furniture, books, plate, any wearing apparels including any precious or semi-precious stones or ornaments sewn into the wearing apparel, etc. (E)	{ If sold realised gross Rs If unsold, estimated at Rs
Jewellery, watches, trinkets, etc (F)	{ If sold realised gross Rs. If unsold, estimated at Rs
Motor cars, carriages horses, harness, saddle, etc (E)	{ If sold, realised gross Rs If unsold, estimated at Rs
Stock in trade, live and dead farming stock implements for agricultural purposes, etc	{ If sold, realised gross Rs If unsold, estimated at Rs
Goodwill of business	{ If taken over at a price Rs If valued according to custom of trade Rs If neither, estimated at Rs
Profits of business from 19 to date of death	
Ships and shares of ships registered at ports in India, as per statement annexed (F)	
Profits of same to date of death, (G) estimated at	
The deceased's share in movable and immovable property as a partner in the firm of	
as per balance sheet annexed, signed by the surviving partners	
If a balance sheet is not available, estimated at	
Leasehold property for years, as per form IB	{ If sold, realised gross Rs If unsold, estimated at Rs
Mortgages on the leasehold property should be deducted by inclusion in Schedule No I)	
Rents of the deceased's own immovable and leasehold property due prior to the death, but not received by the deceased, (G) estimated at	
Apportionment of the rents of the deceased's immovable and leasehold property to date of death, (G) estimated at	
Income accrued due, but not received prior to the death arising from immovable and movable property in which the deceased had a life or other limited interest, viz (D)	
Apportionment of income from such source to date of death	
Any other income apportioned where necessary, to which the deceased was entitled at his/the death (e.g., pensions, annuities, director's fees, etc.) as per statement annexed,	
Any interests in expectancy, as per statement annexed (J)	
Other movable property not comprised under the foregoing heads, viz	
Gross Movable Property carried to item I of the Summary	

ACCOUNT No I (SECOND PART)

Immovable Property except agricultural land situate in the States of India

Each item of property should be listed and particulars should be given in Form IB in respect of land and any interest in expectancy in immovable property should also be stated (K)	Gross annual value at the date of death.	Gross principal value at the date of death.
I	2	3
	Rs.	Rs.
Gross value carried to item XI of the Summary		

To be signed by the person(s) making oath or affirmation.

ACCOUNT No I (THIRD PART) ¹

Agricultural land situate in the States of India

Each item of agricultural land should be listed and particulars should be given in Form IC in respect of agricultural land and any interest in expectancy in agricultural land should also be stated

Gross
annual
value at
the date
of death

Gross
principal
value at
the date
of death

I

2

3

Rs

Rs.

Gross value carried to item XIV
of the Summary.

To be signed by the person(s) making oath or affirmation.

ACCOUNT No I (FOURTH PART)

Cessor of interest in joint family property of a Hindu family governed by Mitakshara/Marumakkattayam/or Aliyasantana law

Principal value of the family property
(Each item of property should be listed and particulars should be given in Form ID in respect of all properties belonging to the joint family with details of any gifts, transfers, settlements or trusts, etc., made by the family within 2 years of the death of the deceased)

Deceased's
interest
therein

Principal
value of
deceased's
interest
ceasing.
(Carried
to item
No. IX of
the Summary)

I

2

3

Name of the karta of the family

Names of the
members of the
family who would
be entitled to a
share if partition
took place imme-
diately before
death of the de-
ceased and their
share

Age of the
deceased

If the deceased
was below 18
years of age,
whether a lineal
male ascendant
of the deceased
was a co-
parcener in the
family

4

5

6

7

To be signed by the person(s) making oath or affirmation.

ACCOUNT No. 2

Movable Property situate outside the States of India, which is not saleable or transferable in any such States.

NOTE.—Property saleable or transferable in such States should be included in Account No. 1. (First part).

Particulars of Property 1	Local situation 2	Principal value at the date of death 3
	Gross value less Cost of administration or realisation (not exceeding 5 per cent.)	Rs.
	Net value carried to item VI of the Summary.	

To be signed by the person(s) making oath or affirmation.

ACCOUNTS Nos. 3(a) AND 3(b)

- 3 (a).—An account of movable property other than those in Accounts Nos. 1 and 2, of which the deceased at the time of death was competent to dispose within the meaning of section 3(1).
- 3 (b).—An account of money which the deceased had, at the time of death, a general power to charge on immovable property whether the power was exercised by will or not.

Short material particulars of disposition conferring the power 1	Particulars of Property. (Full particulars of any leaseholds for years should be separately stated) 2	Principal value at date of death 3
		Rs.
3(a).	Gross Value	
<i>Deduct</i> —Debts and encumbrances upon leaseholds, as per statement annexed.		
	Net Value	
3(b).—(i) Where the power was exercised (as per statement annexed)	Rs.	
(ii) Where the power was not exercised (as per statement annexed)	Rs.	

TOTAL of 3 (a) and 3 (b) carried to item VIII of the Summary.

To be signed by the person(s) making oath or affirmation.

SCHEDULE No. 1 (FIRST PART)

An account of the debts (including mortgage debts secured on leasehold property) due and owing from the deceased to persons resident within the States of India or due to persons resident out of the said States but contracted to be paid in any such State, or charged on property situate within any such State.

(Where the debts on the deceased's movable property exceed the value thereof, and the deficiency is a proper deduction for Estate Duty purposes against the deceased's immovable property, deduction of such deficiency may be taken in Schedule No. 3.)

Name and address of creditor	Description of debt (including date and short particulars of any security for the debt).	Amount
(1)	(2)	(3)
Read Notes (H) and (L)		Rs.

Total of First Part

SCHEDULE No. 1 (SECOND PART)

A statement of the allowances claimed under clause (d) of section 44 on account of debt by way of dower.

Amount.
Rs.

Total of Second Part

SCHEDULE No. 1 (THIRD PART)

An account of the funeral expenses of the deceased.

Amount
(actual or Rs.1000
whichever is less.)

Rs.

Total of Third Part

Total of First, Second and
Third Parts.

To be signed by the person(s) making oath or affirmation.

SCHEDULE No. 2

An account of the debts due and owing from the deceased to persons resident out of the States of India, other than debts contracted to be paid in any such State, or charged on property situate within any such State, which have been entered in the schedule No. 1.

Name and address of creditor (1)	Description of debt (including date and short particulars of any security for the debt) (2)	Amount (3)
Read Note (M)		Rs.
	TOTAL	

To be signed by the person(s) making oath or affirmation.

SCHEDULE No. 3

*An account of the debts and encumbrances upon the immovable property in Account No. 1 (Second Part.)

(Where the debts on the deceased's immovable property exceed the value thereof, and the deficiency is a proper deduction for Estate Duty purposes against the deceased's movable property, deduction of such deficiency may be taken in Schedule No. 1.)

Nature of debt or encumbrances and by whom created (1)	Short material particulars of security with date and names of parties to, any deed (2)	Short particulars of property charged, to identify it in above account (3)	Names and addresses of persons to or in whom the debt or encumbrances are now due or vested (4)	Amount of debt or encumbrances (5)
				Rs.

*Read Notes (H) and (L.)

To be signed by the person(s) making oath or affirmation.

SCHEDULE No. 4

An account of the debts and encumbrances upon agricultural land in Account No. 1 (Third Part)

(Where the debts on the deceased's agricultural lands exceed the value thereof and the deficiency is a proper deduction for Estate Duty purposes against the deceased's other immovable or movable properties, deduction of such deficiency may be taken in appropriate Schedule.)

Nature of debts or encumbrances and by whom created (1)	Short material particulars of security with date and names of the parties to, any deed (2)	Short particulars of the agricultural land charged, to identify it in the above account (3)	Names and addresses of persons to or in whom the debts or encumbrances are now due or vested (4)	Amount of debts or encumbrances (5)
			TOTAL	Rs.

To be signed by the person(s) making oath or affirmation.

SUMMARY

	Rs.	Rs.	Rs.
I. Gross movable property in Account No. 1 (First Part).	_____		
II. <i>Deduct</i> —Total of Schedule I	_____		
III. Net movable property in Account No. 1	_____		
IV. Gross movable property in Account No. 2	_____		
V. <i>Deduct</i> —Total of Schedule No. 2	_____		
VI. Net movable property in Account No. 2	_____	_____	
VII. Net movable property in Account Nos. 1 and 2 (Total of III and VI)	_____	_____	
VIII. Net movable property in Account Nos. 3 (a) and 3 (b)	_____	_____	
IX. Coparcenary interest in HUF ceasing in Account No. 1 (Fourth Part)	_____	_____	
X. Net movable property in Account Nos. 1, 2, 3 (a) and 3 (b) (Total of VII, VIII and IX)	_____	_____	
XI. Gross immovable property except agricultural land in Account No. 1 (Second Part)	_____	_____	
XII. <i>Deduct</i> —Total of Schedule No. 3	_____	_____	
XIII. Net immovable property in Account No. 1	_____	_____	
XIV. Gross agricultural land in Account No. 1 (Third Part)	_____	_____	
XV. <i>Deduct</i> —Total of Schedule No. 4	_____	_____	
XVI. Net agricultural land in Account No. 1	_____	_____	_____
XVII. Net movable and immovable property (Total of X, XIII and XVI)	_____	_____	_____

Exemptions claimed (N).

FORM I-A

ESTATE DUTY

E.D.-I.

Statement of Stocks and Shares to accompany the Estate Duty Account

Amount of stock or No. of shares	Name of company, followed by full description of holding	Nominal value of holding	Market price at date of death	Principal value at date of death
		Rs.	Rs.	Rs.
1	2	3	4	5

To be signed by the person(s) making oath or affirmation.

FORM I-B

ESTATE DUTY

E.D.-I

Statement of immovable and/or Leasehold Property excluding agricultural lands

Identification No.	Description of property including situation (If the property is leasehold for years, the unexpired term, as at the date of death of the deceased, should be stated).	Rental, if let	If unlet, the gross annual value
1	2	3	4
		Rs.	Rs.

NOTE.—The description and situation of the property should be such as to enable it and its boundaries to be clearly identified.

Nature of deductions from gross annual value	Amount of annual deductions	Net annual value	Estimated principal value as at date of death, and, if since sold, gross amount realised and date of completion of sale.
5	6	7	8
	Rs.	Rs.	Rs.

To be signed by the person(s) making oath or affirmation.

FORM I-C

ESTATE DUTY

E.D.I.

Statement of Agricultural land in the States of India.

NOTE.—(1) Several allotments of land forming one property or managed as one estate should be entered as one item.

(2) If land is distributed over different States, the aggregate of such land in each State should be shown separately.

Description and situation					Deceased's share	Nature of the crop (paddy, jute etc.)	Total acreage
Name of the State	Name of the District	Name of the Police station	Touzi No. or name of Pargana	Identification No. or number of plots under settlements records			
1	2	3	4	5	6	7	8

Crop for one year to date of death	Rental, if let	If unlet, the gross annual value	Annual deduction, if any	Net annual value	Land revenue payable	Estimated principal value as at date of death and if since sold, gross amount realised and date of sale.	Basis of valuation
9	10	11	12	13	14	15	16

To be signed by the person(s) making oath or affirmation.

FORM 1-D

E.D.-I

ESTATE DUTY

Statement of property of the Hindu undivided family governed by Mitakshara, Marumakkattayam or Aliyasantana laws of which the deceased was a co-parcener, as at the date of death.

Details of				Gross value of the estate
Movable property		Immovable property situated in India		
Situated in India	Situated outside India	Agricultural land (Details as in form 1 C.)	Others	
1	2	3	4	
				Rs.

Gifts or dispositions <i>bona fide</i> made by the Family within 2 years of the death of the deceased purporting to operate as an immediate gift <i>inter vivos</i> whether by way of transfer delivery, declaration of trust, settlement upon persons in succession, or otherwise.	Details of debts and encumbrances	Net value
6	7	8
		Rs.

To be signed by the person(s) making oath or affirmation.

E.D.-1

FORM 1-E

Notes to which reference is made in Form E.D.-1 by numbers or letters enclosed in brackets.

(1) Insert the name, full address and description of each person who joins in the declaration.

(2) Where it is claimed that the deceased was domiciled outside the States of India at the time of his/her death, insert the name of the country or the State in which he/she is considered to have been domiciled. The circumstances relied upon to establish such domicile should be set out in a statement attached to the declaration. The domicile of origin should always be given.

(3) Where the deceased died domiciled out of India, the Account No. 2 and Schedule No. 2 should not be filled in.

(4) Insert "no" if the fact is so, and strike out all words after "section 3".

(5) Insert "a" or "no" or add "s" to "power", as the fact may require, and if "no", strike out all remainder of paragraph after "property". The paragraph does not refer to the deceased's power in right of ownership to charge money on his/her own immovable property.

(6) Strike out paragraph if inappropriate.

(7) Where the consideration for the debt, either consisted of property derived from the deceased, or was given by any person who was at any time entitled to or amongst whose resources there was at any time included any property derived from the deceased, particulars should be furnished.

(8) A mortgage debt not created by the deceased himself but charged on immovable property which was acquired by the deceased subject to the mortgage is primarily payable out of such immovable property.

(9) If there is a right to reimbursement but it cannot be obtained, adapt the paragraph. A debt for payment of which the deceased was surety only must not be deducted, unless the amount guaranteed has ripened from a mere liability into a debt and is actually recoverable from his estate.

(10) Adapt as the circumstances require.

(11) Insert the name of each deponent.

(A) Where securities have been valued according to the official list of a recognized stock exchange, a copy of that list should be attached, but where there is no official market quotation the estimate of principal value should be supported by other published quotations or broker's certificates, or letters from the secretaries of the companies.

Any such certificate or letter should show either the date, price and amount of recent sales in the open market, or particulars of the last three years dividends. No apportionment of the dividends is necessary, where they are "ex-dividend", the valuation.

If there have been no such recent sales, the date, price and amount of the last sale in the open market should be given.

If any bonus has been distributed, the fact should also be stated.

(B) Where the securities are "cum dividend" on the day of the deceased's death, no apportionment of the dividend is necessary; where they are "ex-dividend", the whole of the dividend valued as on that day should be included.

(C) The name or names of the banks should be stated.

(D) If the interest or power was derived under a will or intestacy, state name and date of death of the testator or intestate, but, if under a deed, state the date, together with names and addresses of the trustees and if the deed has been already produced give the official reference appearing upon it.

(E) A valuation should normally be annexed: details and individual values of items valued at Rs. 500 and upwards should be given.

(F) A valuation must be annexed.

(G) These words to be struck out where the amount is actually ascertained.

(H) No mortgage debt created by the deceased himself is to be deducted unless such debt was created *bona fide* for full consideration in money or money's worth wholly for the deceased's own use and benefit.

(J) Particulars should be stated of all interests in expectancy and movable property whether vested or contingent.

(K) Particulars should be stated of all interests in expectancy in immovable property.

(L) A statement of any debts payable by law out of the property in Account No. 1, but which cannot be deducted for the purpose of duty, should be annexed to the Schedule, for information.

Where a debt is claimed to be due to the husband or wife, or any other member of the deceased's family a full explanation should be given and evidence of the debt should be annexed.

A mortgage debt not created by the deceased himself but charged on immovable property which was acquired by the deceased subject to the mortgage is primarily payable out of such immovable property and must not be deducted against the movable property.

Where the debt is for "money lent" or "over draft" to a bank the date of the loan and particulars of the security if any, given or if none, the facts relied on as showing that the debt is legally recoverable should be stated.

(M) Deduction may be here claimed (a) of any duty payable in any foreign country by reason of the deceased's death in respect of property situate in that foreign country and included in the Account No. 2, and (b) of an amount not exceeding 5 per cent. of the value of any property in the Account No. 2 representing additional expense incurred in administering or realising such property by reason of its being situate out of the States of India; see also note (L) above.

(N) Under section 34 of the Act the following properties are not to be included in the principal value of the estate:

- (1) Property in which the deceased had never any interest. (For this item separate account in form ED1 is to be filed).
- (2) Household goods, including tools of artisans, agricultural implements or any other tools or implements as were necessary to the deceased to enable him to earn his livelihood, to the extent of rupees two thousand and five hundred in value.
- (3) Books not intended for sale.
- (4) Wearing apparel, but not including any precious or semi-precious stones or ornaments worked or sewn into the wearing apparel.
- (5) Drawings, paintings, prints, manuscripts, works of art or archaeological or scientific collections which are of national, scientific or historical interest and which are retained in the family of the deceased and dealt with or disposed of in accordance with such conditions as the Board may prescribe, or which are given absolutely or bequeathed to Government or to any University or other public institution.
- (6) Drawings, paintings, photographs, prints, manuscripts and any other heir-loom, not falling within item (5) above, which are retained in the family of the deceased and are dealt with or disposed of in accordance with such conditions as the Board may prescribe and are not intended for sale.

The following kinds of property are to be included in the principal value of the estate for the purpose of rate; but no duty shall be payable in respect of such properties to the extent specified against each of them:—

- (a) Gifts for public charitable purpose made within six months of death to the extent of Rs. 2,500.
- (b) Gift for any other purpose within 2 years of death, to the extent of Rs. 1,500.
- (c) Proceeds of insurance policy for the purpose of paying estate duty and assigned to the Government to the extent of duty payable but not exceeding Rs. 50,000.
- (d) Moneys deposited with the Government for the purpose of paying duty to the extent of duty payable but not exceeding Rs. 50,000.
- (e) Insurance proceeds on the life of the deceased to the extent of Rs. 5,000.

(f) Moneys earmarked under a policy of insurance or under a declaration of trusts or settlement for the marriage of any of the female relative dependent on the deceased for necessities of life to the extent of Rs. 5,000 for each of such relatives.

(g) Agricultural land in any State in India not specified in the First Schedule to the Act.

If exemption is claimed on any of these items a separate list of such items with full details should be attached.

E.D.-2.

GOVERNMENT OF INDIA

ESTATE DUTY

In the Office of the Controller of Estate Duty

Circle, the 19 .

APPLICATION UNDER THE PROVISIONS OF SUB-SECTION (5) OF SECTION 67

(See rule 26)

In the ESTATE of Official Reference No. E.D./File
19 .

Application is hereby made to the Controller of Estate Duty to determine the estate duty payable in respect of the property described hereinafter for which I am (we are) accountable as passing on the death of late of who died on the day of
19 .

The Property hereinbefore referred to—

2. I (We) hereby attach and deliver in Form E.D.-1 a full statement to the best of my (our) knowledge and belief of all property passing on the death of the aforesaid

3. The persons entitled on the death of the deceased to the property described in paragraph 1 of this application are as follows:—

1.

2.

4. The persons entitled on the death of the deceased to the other property specified and described in the statement attached are as follows:—

5. I (We) confirm all the particulars which have already been stated by me (us) or on my (our) behalf, and declare that to the best of my (our) knowledge and belief there are no further particulars, which ought to be disclosed.

Signature of applicant(s) Date 19 .

E.D.-3

GOVERNMENT OF INDIA

ESTATE DUTY

Controller of Estate Duty, Circle No.

The 19

CERTIFICATE UNDER SECTION 60

(See rule 26)

In the ESTATE of Official Reference No. E.D./File
..... 19 .

It is hereby certified that the full estate duty has been paid or will be paid or that none is due in respect of the property hereinafter described as passing on the death of late of who died on the day of 19 .

The property was accounted for in the Account(s) No.(s) annexed to the Estate Duty Account, dated 19 , which was delivered with reference to the death of the deceased.

The property hereinbefore referred to.

Controller of Estate Duty.

Seal of Controller of Estate Duty.

E.D.-4

GOVERNMENT OF INDIA

ESTATE DUTY

Controller of Estate Duty, Circle No.

The.....19

CERTIFICATE UNDER SECTION 67, 68 OR 69

(See rule 26)

In the ESTATE of Official Reference No. E.D./File
.....19

It is hereby certified that the full estate duty has been paid in respect of the property hereinafter described as passing on the death of
late of who died on the day of19

The property hereinbefore referred to.

Seal of Office.

*Controller of Estate Duty.**Secretary, Central Board of Revenue.*

E.D.-5

GOVERNMENT OF INDIA

ESTATE DUTY

FORM OF RETURN FOR SMALL ESTATES WHERE A GRANT OF REPRESENTATION IS NOT REQUIRED AND EXEMPTION FROM ESTATE DUTY IS CLAIMED BY REASON OF THE SMALLNESS OF THE ESTATE

This form should be transmitted to the Assistant Controller of Estate Duty having jurisdiction over the deceased's estate.

An Account* of the Estate of of
who died on the day of19, delivered
by
.....

Description of property

Value as at the
date of death

Rs.

1. *Immovable Property*(i) *Agricultural land*

(Give area, locality and land revenue paid if necessary in a separate statement).

(ii) *Non-agricultural property*

(Give description, locality, rent receivable, etc. if necessary in a separate statement).

2. *Movable Property*

(i) Cash in the House and/or lockers, etc.

(ii) Jewellery in the House and/or lockers

(iii) Furniture, wearing apparel, etc.

Description of property	Value as at the date of death
<p>(iv) Deposits with Post Office, Banks, Co-operative Societies and other debts due to the deceased. (Give details separately, if necessary)</p> <p>(v) Govt. securities, National Savings Certificates (Give details separately, if necessary).</p> <p>(vi) Life Assurance policies</p> <p>(vii) Stocks, shares and debentures (Give details)</p>	Rs.
3. Cessor of interest	
<p>(i) In joint family property of a Hindu family governed by Mitakshara, Marummakkattayam or Aliya-santana law.</p> <p>(ii) In any settled property, annuity, etc. in which the deceased had life-interest.</p>	
See observation No. 1 below as to assets (if any) nominated by the deceased in favour of any person.	
4. Any other property or money not included in the above (Give details.)	

Deductions

Actual funeral expenses

(deduction will be allowed of actual expenses or one thousand rupees whichever is the less).

Debts due by the deceased including any mortgage debt, dower debt etc.

(Give details separately as to when the debt was incurred and for what purpose).

NOTES.—*The Account should show the position as at the date of death of the deceased.

† State the name, last address and occupation of the deceased and if a female whether married, single or a widow.

‡ State the name and address of the person by whom this account is delivered and how related to or connected with the deceased.

Observations	Answers
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(1) Nominations

Did the deceased during his lifetime nominate any moneys or assets of any description in favour of any person?

If so please furnish particulars.

(2) Money and Other Property held jointly

Was the deceased joint owner of any money, Post Office Savings Bank or other bank accounts, Stocks and Bonds, Savings Certificates, money invested in other Government securities or other stocks and shares, or any other property?

If so, please give particulars and state:—

(a) The date of purchase, investment or deposit.

(b) Why the property was placed in the joint names?
Was it the intention that the survivor should take the whole?

(c) The names and relationship of the joint holders.

(d) By whom the money was provided and how much by each?

Observations	Answers
(e) In the case of husband and wife, if the wife provided any of the money, how she acquired the means to do so.	
(All the above questions should be answered where there is joint property of any kind.)	
(3) Gifts—Inter Vivos	
(a) Did the deceased make any gift or gifts of money or other property within two years of his death? If so give details:	
(b) Did the deceased, at any time, make any gifts:—	
(i) reserving to himself a life or other interest therein? or	
(ii) providing for himself any benefit by contract or otherwise: or	
(iii) not to his entire exclusion:	
If so, please furnish full particulars of all such gifts.	
(4) Life Interests.	
Was the deceased in receipt of any annuity, or interest for life in any property other than the property shown in the account of the estate overleaf?	
If so, please give particulars.	
If the deceased was entitled to the annuity or life interest under a will, the full name and date of death of the testator should be stated; if under a deed, the original or full copy should be sent for perusal.	
(5) Policies of Insurance	
Has any money (other than the money shown in the account of the estate overleaf) become payable on the death under any policy of insurance effected either by the deceased or by any other person, or under any newspaper insurance?	
If so, please give particulars.	
(6) Annuities, Pensions, Gratuities, etc.	
Has any annuity or sum of money become payable upon the deceased's death to any person under any provident, superannuation, pension or other fund or scheme, or otherwise?	
If so, please give particulars.	
(7) In respect of which item is a certificate of exemption required.	
<i>Declaration.</i> —I do hereby declare that this Account and the Answers to the Observations above are true, correct and complete to the best of my knowledge and belief.	
Date	Signature.....
(The person by whom this account is delivered should sign it here.)	

E.D.-6

GOVERNMENT OF INDIA

ESTATE DUTY

Office of the Controller of Estate Duty, Circle No.....

The19

DISCHARGE CERTIFICATE WHERE NO DUTY IS PAYABLE

In the ESTATE of.....

Official Reference No. ED/File.....19.....

It is hereby certified that there is no claim for Estate Duty under the Estate Duty Act, 1953 in respect of the property hereinafter described as passing on the death of.....

late of.....who died on the..... day of.....
.....19.....

The property hereinbefore referred to.



Controller of Estate Duty.

[No. 2.]

R. K. DAS,
Secretary, Central Board of Revenue.

